

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Thomas Richardson,)	C/A No. 8:20-cv-03725-SAL
)	
Plaintiff,)	
)	
v.)	OPINION & ORDER
)	
Kilolo Kijakazi, Acting Commissioner)	
of Social Security,)	
)	
Defendant.)	
)	

Plaintiff Thomas Richardson (“Plaintiff”) brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying his claim for disability insurance benefits. [ECF No. 1.] In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule (D.S.C.) 73.02(B)(2)(a), this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial handling. On October 27, 2021, the Magistrate Judge issued a Report and Recommendation (“Report”), recommending that the Commissioner’s decision be reversed pursuant to sentence four of 42 U.S.C. § 405(g) and the case remanded to the Commissioner for further administrative action. [ECF No. 16.] On October 28, 2021, the Commissioner filed a Notice of Not Filing Objections to the Report. [ECF No. 17.]

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the

Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, the decision is **REVERSED**, and the court **REMANDS** this matter to the Commissioner for further proceedings in accordance with the Report and pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

/s/ Sherri A. Lydon
United States District Judge

November 8, 2021
Florence, South Carolina